

This Amendment is submitted supplementary to the previous Amendment and in connection with the personal conference with Examiner Mehta and supervisor McNiel.

The Examiner's highly beneficial cooperation has been gratefully acknowledged.

During the personal conference the present invention has been discussed, and the new features of the present invention as defined in claim 5 were analyzed.

It was determined that additional clarification of the present invention would be needed. In connection with this claim 5, the broadest claim on file, has been amended and additional claim 16 has been added.

It should be emphasized that in accordance with the present invention as defined in claim 5 the raw unpopped corn kernels are introduced into a hypersaturated brine. The hyper saturated brine is not disclosed in any of the references applied against the original claims.

Furthermore, in the process in accordance with the present invention the raw unpopped corn kernels are kept in the brine until the

unpopped corn kernels absorb the brine into their interior. Then the corn kernels which have absorbed the brine are dried, and thereafter the dried unpopped corn kernel that absorbed the brine are subjected to the surface coating with the fixing agent for food. Thus, in the first step the brine is absorbed exclusively into the interior of the corn kernels, and in the last step (after drying) the fixing agent for food is supplied exclusively on the exterior of the unpopped corn kernels, as can be understood from claim 5 and specifically defined in new independent claim 16.

Turning now to the references and in particular to the patent to Evans, it can be seen that as clearly disclosed in this reference the corn kernels are impregnated inside and outside, as stated for example in the paragraph in lines 15-26 on the specification of the references

“the kernel are flavored both internally and externally”. In contrast in the present invention the corn kernels absorb the brine, and then are dried so that the outer surface of the corn kernels does not contain any flavoring subject. Thereafter the dried unpopped corn kernels, which absorbed the brine before, are surface-coated with a fixing agent.

This is not disclosed in the patent to Evans.

The patent to Merritt deals exclusively with a surface coating and does not include impregnation of the corn kernels so that the brine penetrates inside the corn kernels.

It is believed to be clear that none of the references teaches the new features of the present invention which are defined in claims 5 and 16. The references are also not combinable because if in the Evans reference the objective is to provide the food flavor simultaneously on the inside and on the outside of the corn kernels in one step by penetrating the unpopped kernels because, in the Merritt reference the corn kernels are coated only on the outer surface.

It is respectfully submitted that claims 5 and 16 clearly and patentably distinguish the present invention from the prior art applied against the original claims and should be allowed.

Claim 15 should be allowed as well for the same reasons.

As for the dependent claims, they depend on claim 5, they share its allowable features, and they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,  
/Michael J. Striker/

Michael J. Striker  
Attorney for Applicants  
Reg. No. 27233